

Panaji, 7th October, 2010 (Asvina 15, 1932)

SERIES II No. 28

OFFICIAL GAZETTE



GOVERNMENT OF GOA

PUBLISHED BY AUTHORITY

Note:- There are three Extraordinary issues to the Official Gazette, Series II No. 27 dated 30-9-2010 as follows:-

- 1) *Extraordinary dated 1-10-2010 from pages 641 to 642 regarding Order from Department of Urban Development (Directorate of Municipal Administration).*
- 2) *Extraordinary (No. 2) dated 4-10-2010 from pages 643 to 656 regarding Orders and Notification from Department of Elections (Office of the Goa State Election Commission).*
- 3) *Extraordinary (No. 3) dated 4-10-2010 from pages 657 to 658 regarding Notification from Department of Elections (Election Commission of India).*

GOVERNMENT OF GOA

Department of Agriculture

Directorate of Agriculture

Order

No. 1/22/109/2003-D.Agri/234

Shri Vinayak M. Khandeparkar, Dy. Director of Agriculture (Farm), of this Directorate is hereby relieved from service on 01-10-2010 (b.n.) in view of retirement on superannuation.

Shri Khandeparkar shall hand over the charge of the office handled by him, to Shri Girish Kamat, Dy. Director of Agriculture (Watershed), of this Directorate, who will continue to look after the same until further orders.

S. S. P. Tendulkar, Director of Agriculture & ex officio Joint Secretary.

Tonca, Caranzalem, 30th September, 2010.

Department of Co-operation

Office of the Registrar of Co-operative Societies

Order

No. 62/1/94-MR/MKT/RCS

Read: Government Order No. 62/1/94-MR/ /MKT/RCS dated 5-7-2010.

In exercise of the powers conferred by Section 16(1) (b) of the Goa Agricultural Produce Marketing (Development and Regulation) Act, 2007, the Government of Goa hereby further extends the term of Shri Mohan Amsekar, as the Administrator of the Goa State Agricultural Marketing Board, Margao, Arlem, Raia, Salcete-Goa, upto 30-11-2010 or till the new board is constituted whichever is earlier.

By order and in the name of the Governor of Goa.

P. K. Velip Kankar, Registrar of Co-op. Societies & ex officio Joint Secretary.

Panaji, 1st October, 2010.

Department of Finance

Directorate of Accounts

Order

No. DA/Admn/45-6/2010-11/TR-2487/79

The Government is pleased to order the transfer and posting of the following Assistant Accounts Officers under Common Accounts Cadre as shown below with immediate effect on Administrative grounds.

Sr. No.	Name of the Officer	Present place of posting	Transferred and posted at
1	2	3	4
1.	Shri Rajesh V. Mahale	O/o the Principal Chief Engineer, Public Works Department, Altinho, Panaji, Goa	Directorate of Arts & Culture, Panaji (against newly created posts).
2.	Shri Ramesh P. Mahale	Directorate of Accounts, Panaji	Directorate of Arts & Culture, Panaji (against newly created posts).

Shri Sumant P. N. Dessai, Assistant Accounts Officer who is presently working in the O/o the Principal Chief Engineer, Public Works Department, Altinho, Panaji, Goa, shall look after the duties looked after by Shri Rajesh Mahale, Assistant Accounts Officer in the O/o Principal Chief Engineer, Public Works Department, Altinho, Panaji, Goa in addition to his own duties as

temporary stop gap arrangement till the time regular substitute is posted.

Shri Ramesh P. Mahale, Assistant Accounts Officer, shall continue to look after the additional charge of the post of Accountant in the Directorate of Arts & Culture, Panaji.

Wherever the transferees do not change their place of residence from old station to new, they will not be entitled for availing of joining time nor transfer TA as provided under CCS Rule.

On joining their new assignments, the Officers shall send CTC/Joining Report to this Directorate immediately for records.

This order is issued with the approval of Joint Chief Electoral Officer.

By order and in the name of the Governor of Goa.

P. S. Gude, Director of Accounts & ex officio Joint Secretary.

Panaji, 24th September, 2010.

Department of General Administration

Notification

No. 2/1/2010-GAD-H

The Government of Goa is pleased to direct that the days specified in the Annexure-I shall be observed as Public Holidays and the days specified in the Annexure-II as Special Holidays in all Government Offices in the State of Goa during the year 2011 (Saka 1932-1933). All Government Offices will be functional on Special Holidays except if the Special Holidays occur on Saturday or Sunday.

2. In addition to the Holidays specified in Annexure-I and Annexure-II, employees are permitted to avail of any two holidays chosen from the list of Restricted Holidays specified in Annexure-III.

3. The Government is also pleased to declare Commercial and Industrial Holidays for the Commercial and Industrial Workers in Goa as specified in Annexure-IV.

4. Further, in exercise of the powers conferred under explanation to Section 25 of the Negotiable Instrument Act, 1881 (Act 26 of 1881) read with Government of India, Ministry of Home Affairs Notification No. U.11030/2/2/73-UTL dated 28-6-1973, the Government of Goa is also pleased to declare the days specified in Annexure-V as Bank Holidays in the State of Goa.

By order and in the name of the Governor of Goa.

Prabhakar V. Vaingankar, Under Secretary (GA).

Porvorim, 30th September, 2010.

ANNEXURE-I

List of Public Holidays for the Year 2011

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Republic Day	January, 26	Magha, 06	Wednesday
2.	Gudi Padava	April, 04	Chaitra, 14	Monday
3.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Thursday
4.	Good Friday	April, 22	Vaisakha, 02	Friday
5.	May Day	May, 01	Vaisakha, 11	Sunday
6.	Independence Day	August, 15	Shravana, 24	Monday
7.	Id-ul-Fitr*	August, 30	Bhadra, 08	Tuesday
8.	Ganesh Chaturthi (1st Day)	September, 01	Bhadra, 10	Thursday
9.	Ganesh Chaturthi (2nd Day)	September, 02	Bhadra, 11	Friday
10.	Gandhi Jayanti	October, 02	Asvina, 10	Sunday
11.	Dussehra (Vijaya Dashmi)	October, 06	Asvina, 14	Thursday
12.	Diwali	October, 26	Kartika, 04	Wednesday
13.	Id-ul-Zuha (Bakri Id)*	November, 07	Kartika, 16	Monday
14.	Feast of St. Francis Xavier	December, 03	Agrahayana, 12	Saturday
15.	Goa Liberation Day	December, 19	Agrahayana, 28	Monday
16.	Christmas Day	December, 25	Pausa, 04	Sunday

* The Holiday mentioned at Sr. Nos. 7 & 13 is subject to appearance of moon.

ANNEXURE-II

List of Special Holidays for the Year 2011

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Milad-Un-Nabi or Id-e-Milad (Birthday of Prophet Md.)	February, 16	Magha, 27	Wednesday
2.	Mahashivratri	March, 02	Phalguna, 11	Wednesday
3.	Holi	March, 20	Phalguna, 29	Sunday

N.B.:-

1. Special Holidays at Sr. Nos. 1 & 2 applied shall be necessarily sanctioned. In case where employees do not avail of the Special Holidays on the designated days, the holidays may be availed of on any working days during the calendar year 2011 only.
2. Special Holidays at Sr. No. 3 falls on Sunday as such request for Special Holidays on these days or in lieu of this does not arise.
3. Special Holiday mentioned at Sr. No. 1 is subject to appearance of moon.
4. Special Holidays can be prefixed or suffixed to the Leave.

ANNEXURE-III

List of Restricted Holidays for the Year 2011

Sr. No.	Holidays	Date	Saka	Days of the week
1.	New Year Day	January, 01	Pausa, 11	Saturday
2.	Makarsankranti	January, 15	Pausa, 25	Saturday
3.	Guru Ravi Das Birthday	February, 18	Magha, 29	Friday
4.	Shivaji Jayanti	February, 19	Magha, 30	Saturday
5.	Ram Navami	April, 12	Chaitra, 22	Tuesday
6.	Mahavir Jayanti	April, 16	Chaitra, 26	Saturday
7.	Maundy Thursday	April, 21	Vaisakha, 01	Thursday
8.	Budha Purnima	May, 17	Vaisakha, 27	Tuesday
9.	Feast of Sacred Heart of Jesus	July, 01	Ashada, 10	Friday
10.	Raksha Bandhan	August, 13	Sravana, 22	Saturday
11.	Janmashtami	August, 22	Sravana, 31	Monday
12.	Hartalika	August, 31	Bhadra, 09	Wednesday
13.	Onam	September, 09	Bhadra, 18	Friday
14.	Govardhan Puja	October, 27	Kartika, 05	Thursday
15.	Bhaubij	October, 28	Kartika, 06	Friday
16.	All Souls day	November, 02	Kartika, 11	Wednesday
17.	Guru Nanak's Birthday	November, 10	Kartika, 19	Thursday
18.	Guru Teg Bahadur Martydom Day	November, 24	Agrahayana, 03	Thursday
19.	Muharam	December, 07	Agrahayana, 16	Wednesday
20.	Feast of Immaculate Conception	December, 08	Agrahayana, 17	Thursday
21.	Christmas Eve	December, 24	Pausa, 03	Saturday
22.	New Year's Eve	December, 31	Pausa, 10	Saturday

ANNEXURE-IV

List of Commercial & Industrial Holidays for the Year 2011

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Republic Day	January, 26	Magha, 06	Wednesday
2.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Thursday
3.	May Day	May, 01	Vaisakha, 11	Sunday
4.	Independence Day	August, 15	Sravana, 24	Monday
5.	Ganesh Chaturthi	September, 01	Bhadra, 10	Thursday
6.	Gandhi Jayanti	October, 02	Asvina, 10	Sunday
7.	Diwali	October, 26	Kartika, 04	Wednesday
8.	Goa Liberation Day	December, 19	Agrahayana, 28	Monday
9.	Christmas Day	December, 25	Pausa, 04	Sunday

According, to the decision communicated by Government of India, Ministry of Finance in Memorandum No. F. 8 (7) EST (SPI) dated 7th November, 1963 casual employees including daily rated staff will be entitled to paid holidays if they are in service on the preceding and succeeding working days.

ANNEXURE-V

List of Bank Holidays for the Year 2011

Sr. No.	Holidays	Date	Saka	Days of the week
1.	Republic Day	January, 26	Magha, 06	Wednesday
2.	Yearly Closing of Account	April, 01	Chaitra, 11	Friday
3.	Gudi Padva	April, 04	Chaitra, 14	Monday
4.	Birth Anniversary of Dr. Babasaheb Ambedkar	April, 14	Chaitra, 24	Thursday
5.	Good Friday	April, 22	Vaisakha, 02	Friday
6.	May Day	May, 01	Vaisakha, 11	Sunday
7.	Independence Day	August, 15	Shravana, 24	Monday
8.	Id-UI-Fitr*	August, 30	Bhadra, 08	Tuesday
9.	Ganesh Chaturthi (1st Day)	September, 01	Bhadra, 10	Thursday
10.	Ganesh Chaturthi (2nd Day)	September, 02	Bhadra, 11	Friday
11.	Half Yearly Closing	September, 30	Asvina, 08	Friday
12.	Gandhi Jayanti	October, 02	Asvina, 10	Sunday
13.	Dussehra (Vijaya Dashmi)	October, 06	Asvina, 14	Thursday
14.	Diwali	October, 26	Kartika, 04	Wednesday
15.	Id-UI-Zuha (Bakri-Id)*	November, 07	Kartika, 16	Monday
16.	Feast of St. Francis Xavier	December, 03	Agrahayana, 12	Saturday
17.	Goa Liberation Day	December, 19	Agrahayana, 28	Monday
18.	Christmas Day	December, 25	Pausa, 04	Sunday

* The holiday mentioned at Sr. Nos. 8 & 15 is subject to appearance of moon.

Notification

No. 2/2/2010-GAD-III

In exercise of the powers conferred by the explanation to Section 25 of the Negotiable Instruments Act, 1881 (Act 26 of 1881) read with Section 135-B(1) of the Representation of the People Act, 1951 (Central Act 43 of 1951), the Government of Goa hereby declares Monday, the 18th October, 2010 (Asvina 26, 1932) as a "Public Holiday" for the Offices situated within the limits of 19—Valpoi Assembly Constituency being the "Polling Day" for the Bye-election to the 19—Valpoi Assembly Constituency. The aforesaid holiday shall also be a "paid holiday" to those electors including casual/daily wage workers working outside the Constituency concerned under the Section 135-B (1) of the Representation of the People Act, 1951 (Central Act 43 of 1951).

By order and in the name of the Governor of Goa.

Prabhakar V. Vaingankar, Under Secretary (GA).
Porvorim, 5th October, 2010.

Department of Labour

Order

No. 28/33/2010-LAB

Whereas the Government of Goa is of the opinion that an industrial dispute exists between the management of M/s. Jupiter Luxury Resort and Spa, Benaulim and its Workmen represented by the Gomantak Mazdoor Sangh, in respect of the matter specified in the Schedule hereto (hereinafter referred to as the "said dispute");

And whereas the Government of Goa considers it expedient to refer the said dispute for adjudication.

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) (hereinafter referred to as the "said Act"), the Government of Goa hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa at Panaji-Goa, constituted under Section 7-A of the said Act.

SCHEDULE

“(1) Whether the action of the management of M/s. Jupiter Luxury Resort and Spa, Benaulim, Goa, in refusing employment to the following 31 Workmen, is legal and justified?”

Name	Designation
1	2
1) Shri Albano Fernandes	Assistant Store Keeper
2) Shri Alex D'Curz	House Keeping Room Attendant
3) Shri Anand Roy	Demi Chef De Party
4) Shri Anand Das	Plumber
5) Ms. Anna Fernandes	House Keeping Supervisor
6) Shri Anthony Dias	Cook
7) Shri Arun Kumar Kuilya	Air Conditioner Mechanic
8) Shri Binod Shani	Cook
9) Shri Fausto C. Fernandes	Maintenance Supervisor
10) Shri Dharmesh Vengurlekar	House Keeping Room Attendant
11) Shri Miligres Dias	Baker
12) Shri Geneshsaw B. Pawar	Gardener
13) Shri Gurunath Rana	Senior Utility
14) Shri Arrya Kelageri	Painter
15) Shri Joaquim D'Costa	Telephone Mechanic
16) Shri Jose Mario Fernandes	House Keeping Room Attendant
17) Shri Kiran Kumble	Gardener Supervisor
18) Ms. Loretta Pereira	House Keeping Supervisor
19) Shri Louis M. Fernandes	Tailor
20) Shri M. P Chandrashekar	Plumber
21) Ms. Maria Ciara Fernandes	House Keeping Supervisor
22) Ms. Merylin Rana	House Keeping Supervisor
23) Shri Nazareth Vaz	Driver
24) Ms. Nirmala Samad	House Keeping Public Area
25) Ms. Pincy Fernandes	Utility
26) Ms. Santi B. Pawar	Gardener
27) Shri Socorro M. Fernandes	Driver
28) Shri Sudin Kumar	Driver
29) Ms. Vasanti Kumar Naik	Store Helper
30) Shri Dara S. Chauhan	Gardener
31) Shri Sanjeebku Deo	Driver

(2) If not, to what relief the Workmen are entitled?”

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 29th September, 2010.

Notification

No. 28/1/2010-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I at Panaji-Goa on 31-08-2010 in reference No. IT/24/95 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 22nd September, 2010.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT PANAJI

(Before Shri B. P. Deshpande, Hon'ble Presiding Officer)

Ref. No. IT/24/95

Shri D. S. Sawant,
Rep. by the President,
Goa Trade & Commercial Workers Union,
Velho Building, 2nd Floor,
Panaji-Goa. ... Workman/Party I
V/s

The General Manager,
M/s. M. R. F. Ltd.,
Ponda-Goa. ... Employer/Party II

Workman/Party I - Adv., Shri Suhas Naik.

Employer/Party II - Adv., Shri G. K. Sardesai.

AWARD

(Passed on this 31st day of August, 2010)

1. In exercise of powers conferred by Section 10(1)(d) of Industrial Disputes Act, 1947, the Government of Goa by Order No. 28/13/95-LAB dated 18-04-95, referred the dispute for adjudication to this Tribunal which reads as under:

“(1) Whether the action of the management of M/s. M.R.F. Ltd., Ponda, Goa, in terminating

the services of Shri D. S. Sawant, Operator, with effect from 12-8-1993, is legal and justified?

- (2) If not, to what relief the Workman is entitled?"

2. The notices were issued to both parties and thereafter the Party I appeared and file claim statement at Exb. 5 giving the details of the dispute wherein he claimed that initially he was employed with the Party II as a trainee and thereafter on probation w.e.f. 15-01-83. He applied for the post of operator or mechanical category and at the time of interview he was informed that educational qualification is secondary and primary aspect was his physical capacity and strength to carry out the work of operator. After completing probationary period, he continued in the employment and subsequently he was asked to produce his school leaving certificate for the purpose of educational qualification and therefore he contacted his neighbour who is a clerk in school and produced the certificate without knowing that it was procured from English Medium School.

3. Further it is claimed by the Party I that till the year 1993, he continued to work for the Party II without any objection with regard to his educational qualification. However suddenly he was served with a charge sheet and thereafter an enquiry was conducted against him. The Union also acted in collusion with the Management and inquiry was not conducted in fair manner and in violation of principles of natural justice. There was no condition with regard to educational qualification at the time of appointment of the Party I as operator and in good faith he produced the said certificate without knowing the contents of it.

4. Therefore the action taken by the Management of dismissal from services is malafide, unjust, illegal and bad in law. The Party I prayed that the said dismissal is therefore unjust and hence is entitled for reinstatement with full back wages and continuity in services.

5. The Party II filed written statement at Exb. 6 disclosing therein that the Party I submitted false school leaving certificate to the Management and after thorough investigation in the said matter it was found that the so called school leaving certificate was a forged one. The Party I was served with a charge sheet dated 14-1-1993 by Party II for giving false information regarding personal particulars and subversive of discipline.

The Party I refused to accept the charge sheet and order of suspension and therefore the same was displayed on notice board for a period of one week from 15-01-93.

6. A domestic inquiry was conducted and notice of the inquiry was sent by Regd. A.D. to the Party I. The inquiry commenced on 5-03-93 and ended on 14-07-93. The Party I was duly represented by Mr. V. Fernandes and the said inquiry was conducted in fair and proper manner by giving every opportunity to the Party I to defend himself. The Inquiry Officer found the Party I guilty of charges levelled against him and on the basis of such findings and gravity of misconduct the Management decided to dismiss the services with immediate effect. The Party II denied the case put forth by the Party I in his claim statement and more particularly the continuity in services.

7. A detail rejoinder was filed by the Party I and thereafter issues were framed at Exb. 8. The Party I filed amendment application to the claim statement vide Exb. 10 and the same was allowed by an order dated 28-10-97. In view of such amendment, the Party II filed additional written statement which was replied by additional rejoinder by the Party I.

8. The Party II also filed an application for amendment of the written statement which was allowed.

9. In the meantime the parties were trying to settle the dispute, the efforts resulted in filing of Memorandum of understanding between the parties at Exb. 22 wherein the Party I agreed that he will withdraw the pending reference. The Party II agreed to pay the amount of Rs. 17,857,16/- towards legal dues and an amount of Rs. 20,000/- as ex-gratia amounting towards full and final settlement of all claims by the Party I against the Management.

10. The terms of settlement are as under:

- i) It has been agreed between both the parties that Shri Dattaram Sawant will withdraw the pending Industrial Dispute under Ref. No. IT/24/1995 from the Industrial Tribunal.
- ii) It has been agreed between both the parties that Shri Dattaram Sawant will be paid by the management of M/s. M.R.F. Ltd., an amount of Rs. 17,857,16/- (Rupees seventeen thousand eight hundred and fifty seven and paise sixteen only) which

will include all his legal dues, and he also be paid an ex-gratia amount of Rs. 20,000/- (Rupees twenty thousand only) as full and final settlement of all his claims, monetary or otherwise against the management of M/s. M.R.F. Ltd., Ponda-Goa.

- iii) With this amicable settlement, Mr. Dattaram Sawant agrees that there is no further claim nor any dispute left against the management of M/s. M.R.F. Ltd., Ponda-Goa whatsoever.

11. Since the parties have arrived at an amicable settlement with regard to the pending dispute and the Party I agreed that such settlement will serve as full and final settlement and he will have no further claims or no dispute against the management. This being so, the dispute does not survive and hence the following order.

ORDER

It is hereby held that the reference does not survive in view of the settlement between the parties at Exb. 22. No order as to costs.

Inform the Government accordingly.

Sd/-
(B. P. Deshpande),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

Notification

No. 28/1/2010-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I at Panaji-Goa on 01-09-2010 in reference No. IT/47/03 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 22nd September, 2010.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I AT PANAJI

(Before Shri B. P. Deshpande, Hon'ble Presiding
Officer)

Ref. No. IT/47/03

Workmen,
Represented by
Goa Trade & Commercial
Workers Union,
Velho Building,
Panaji-Goa. ... Workmen/Party I

V/s

M/s. Avinash Engineering Works,
Church Building,
Raia, Goa. ... Employer/Party II

Party I/Workmen are represented by Adv., Shri Suhas Naik.

Party II/Employer is represented by Adv., G. B. Kamat.

AWARD

(Passed on this 1st day of September, 2010)

Vide order dated 16-7-03 Government of Goa referred the dispute to this Tribunal under Section 10(1)(d) of the Industrial Dispute Act and recital in the order regarding the dispute is as under:

"(1) Whether the action of the employer M/s. Avinash Engineering Works, contractor to M/s. Zuari Industries Ltd., in terminating the services of the following Workmen with effect from 19-10-2001, is legal and justified?

(1) Shri Shishir Kundu, Fitter, (2) Shri Paltan Chawan, Welder, (3) Shri Ramakant Madgaonkar, Supervisor, (4) Shri Bhola Chawan, Helper, (5) Shri Rafiz, Helper.

(2) If not, what relief the Workman is entitled to?"

2. Notices were issued to both parties and Party I appeared and thereafter filed the statement of claim vide Exb. 4. It is the contention of the Party I that the Workman by name Shishir Kundu working as fitter for last six years, during the time of termination the Workman was paid a salary of Rs. 3,700/- per month. The Workman by name Paltan Chawan was working as welder for six years continuously and was paid salary of Rs. 3500/- per month. The Workman, Ramakanth Madgaonkar joined services as Supervisor and worked continuously for five years and was paid Rs. 2300/- per month. The Workman, Bhola Chawan worked continuously for four years as a Helper and was paid salary of Rs. 1,800/- per month, Rafiq worked continuously for two and half years as a Helper and paid salary of Rs. 1,800/-.

3. The Party II is having a permanent fabrication contract at M/s. Zuari India Ltd., wherein the services of workmen referred above were engaged

continuously. The said Party II is also having fabricator contract with various other Industrial units and employing other Workmen for doing the job. The said Party II refused employment to all five Workmen referred above w.e.f. 19-10-2001, without following any procedure. The union raised dispute with the management of Zuari Industries in January, 2002 where the Party II was having contract of fabrication jobs. It was also found out that the principal employer did not deposit contribution towards Provident Fund collected from the Workmen. No bonus was paid to the Workmen though it was due. Subsequently, the dispute was raised before the Asst. Labour Commissioner, Vasco, by sending notices to Party II, however, the Party II refused to accept the copies and failed to attend the proceedings. In view of this, Party I claimed that the termination of services is in violation of Section 25F of the Industrial Dispute Act and therefore they are entitled for reinstatement in service with continuity and full back wages.

4. The Party II appeared and filed written statement at Exb. 5 and raised the locus standi of the union to raise any dispute. It is also denied that the said Workmen had authorized the union to espouse their cause before the Labour Commissioner or before this Tribunal. Therefore, it is claimed that the order of reference by the Government to this Tribunal is illegal, invalid and not maintainable.

5. The Party II further claimed that it is a partnership firm registered under Indian Partnership Act and exclusively engaged in the business as the contractor to M/s. Zuari Industries Ltd., till 18-5-2001. The work issued to Party II was to be performed exclusively in the premises of M/s. Zuari Agro Chemicals. The contracts/work orders awarded by M/s. Zuari Industries to Party II were of short duration ranging from 15 days to two months and thus considering the nature of the work, the Party II was engaging temporary workers as there was no guarantee of continuous employment. The workers were called for the work as and when the work was available under the work contracts. Further, it is stated that last contract/work order awarded by M/s. Zuari Industries Ltd., to Party II was dated 26-9-2001 which was duly completed in September, 2001 and the business activities at M/s. Zuari Industries Ltd., comes to an end on completion of the last contract since no further contract/work orders was awarded, the services of the said five workers had to be terminated thereafter.

6. The Party II further claimed that their partner Shri Jose Fernandes is having proprietary concern and engaged in the business of fabrication and the said Partner offered to engage the said five Workmen in his proprietary concern after completion of the work at M/s. Zuari Industries Ltd. However, the said Workmen refused the said offer. It is further claimed that there is no retrenchment since the contract of the services comes to an end on non-renewal as provided under Section 2(oo)(bb) of the Industrial Dispute Act. Therefore, the Workmen are not entitled for any relief as claimed in their statement.

7. The rejoinder is filed at Exb. 6 denying all the contentions raised in the written statement and thereafter issues were framed at Exb. 7. The matter was then placed for evidence of Party I. Further, Adv., Suhas Naik filed an application at Exb. 10 disclosing there in that the five Workmen, referred in the reference are not found and he made efforts to trace the said Workmen through the union office however, he was unable to contact them even though sufficient efforts were made. Therefore, he is unable to lead evidence in support of his claim statement. Considering the above aspect, and the fact that opportunities were given to Party I to lead evidence and to discharge burden with regard to issue Nos. 1 to 5 framed at Exb. 7. However, it is clear that the said Workmen are not interested in espousing the said cause. The matter is of year 2003 and there is no point in keeping the reference alive hence the

ORDER

In absence of any material/evidence produced from Party I, it is clear that no dispute exist between the Party I and Party II and therefore the award.

Inform the Government accordingly.

Sd/-
(B. P. Deshpande),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

Notification

No. 28/1/2010-LAB

The following award passed by the Labour Court-II, at Panaji-Goa on 04-08-2010 in reference

No. LC-II/IT/8/09 is hereby published as required by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 22nd September, 2010.

THE LABOUR COURT-II
GOVERNMENT OF GOA
AT PANAJI

(Before Shri Suresh N. Narulkar, Hon'ble
Presiding Officer)

Case No. LC-II/IT/8/09

Smt. Jyoti Naik,
Rep. by General Secretary,
Gomantak Mazdoor Sangh,
G-5, Machado Apts.,
Tisk, Ponda-Goa. ... Workman/Party I
V/s

M/s. Park-A-Well,
Plot Nos. 9, 10, 11 & 14,
Kundaim Industrial Estate,
Kundaim-Goa. ... Employer/Party II

Party I/Workman are represented by Shri P. Gaonkar.

Party II/Employer marked as Ex-parte.

Panaji, dated: 04-08-2010

AWARD

In exercise of powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, (Central Act 14 of 1947) the Government of Goa by Order dated 22-09-2009 bearing No. 28/14/2009-LAB/978 referred the following dispute for adjudication by the Industrial Tribunal of Goa.

- “(1) Whether the severance of Workman/ Employer relationship w.e.f. 01-06-2008 between Smt. Jyoti Naik, Sweeper and the Management of M/s. Pack-A-Well, Kundaim-Goa, amounts to refusal of employment by the said Management or abandonment of services on part of the Workman?
- (2) If the answer to the issue No. 1 above is in the negative, then, to what relief, the Workperson is entitled?”

2. On receipt of the reference, a case was registered under No. LC-II/IT/8/09 and registered A/D notice was issued to the parties. In pursuance to the said notice, the Workman/Party I put in her appearance. The Employer/Party II was duly served by registered A/D notice, however failed and neglected to appear on 18-11-2009 and subsequent scheduled dates of hearing without any justifiable cause, hence the Employer/Party II was marked as ex-parte. The Workman/Party I (for short 'Workman'), filed her statement of claim on 18-11-2009 at Exb. 3. The facts of the case in brief as pleaded by the Workman are that the Gomantak Mazdoor Sangh is a registered Trade Union registered under the Trade Union Act, 1926 and it represents almost all the Workmen employed by the Employer/Party II at Goa plants. She stated that the Employer/Party II (for short "Employer") is an industrial establishment carrying out the job work of printing and packing of multinational companies such as Colgate and Palmolive, Whisper, etc. She stated that the employer is carrying out its business activities in its factory at Kundaim Industrial Estate, Kundaim-Goa, since the year 1998. She stated that she was working as a 'House-keeper/Sweeper' in the 'House-keeping Department' since 2001 with the employer company. She stated that her last drawn wages were Rs. 2,756/- p. m. She stated that she worked with the employer company from the date of her joining since the year 2001 till the date of refusal of employment continuously without any break in service. She stated that she had worked for more than 240 days preceding the 12 calendar months from the date of her termination of services. She stated that due to heart attack of her husband she was forced to remain at home for two months i.e. April, 2008 and May, 2008. She stated that she had informed the employer about her absence from duty due to her husband's sickness and that he was taking treatment at Goa Medical College before remaining absent. She stated that when she went to resume the duty she was not allowed to join her duty. She stated that she made a demand for reinstatement vide her representation dated 01-06-2008 on refusal of her employment by the Employer Company, but the employer refused to allow her to resume the duty. She stated that therefore she raised an industrial dispute before the Assistant Labour Commissioner, Ponda through their Union vide letter dated 10-06-2008 which ended in failure due to the adamant attitude of the Employer. She stated that before her refusal of employment, she was not issued any charge sheet nor any enquiry was conducted and hence the

Party-II has violated the principles of natural justice. She stated that at the time of refusal of her employment she was not paid or offered any retrenchment compensation, notice pay and other dues and hence the refusal of her employment is in violation of Sec. 25-F of the I. D. Act, 1947 and therefore it is illegal, unjustified and bad in law. She stated that after refusal of her employment the Employer has employed new Workmen on her place of work and she was not re-employed by the employer and hence violated Sec. 25-H of the I. D. Act, 1947. She submitted that before refusal of her employment, the Employer has not followed the procedure in accordance with Section 25-G of the I. D. Act, 1947 and as such violated the said provisions of the I. D. Act and hence her refusal is illegal, unjustified and bad in law. She submitted that the employer company has violated Sec. 33 of the I. D. Act, 1947 as the matter of Charter of Demands is pending before the appropriate authority and that any termination without the approval of the Hon'ble Tribunal is illegal, unjustified and bad in law. She submitted that before refusal of her employment, the Employer has not followed the principles of natural justice and other provisions of law. She therefore contended that the refusal of employment to her by the employer is illegal, unjustified and bad in law and she is entitled to re-instate with full back wages and continuity in services. She submitted that since her refusal of employment she is unemployed and could not succeed in getting any employment. She therefore prayed that the refusal of employment to her be declared as illegal, unjustified and bad in law and direct the employer to reinstate her in employment with full back wages and continuity in service. She has also requested for awarding the cost of the present petition.

2. Though the employer company has been duly served with summons of this Hon'ble Court by registered A/D notice, the employer failed to appear before this Hon'ble Court on the scheduled dates of hearing and consequently failed to resist the present claim statement of the Workman.

3. Based on the pleadings filed by the Workman in the present reference this Court framed the following issues on 10-12-2009 at Exb. 4.

1. Whether the Workman/Party I proves that she was employed with Employer/Party II as a "Sweeper" w.e.f. 2001 till the date of her termination on 01-06-2008 continuously without any break in service?

2. Whether the Workman/Party I proves that the Employer/Party II had refused employment to her w.e.f. 01-06-2008?

3. Whether the Workman/Party I proves that Employer/Party II had violated Sec. 33 of the I. D. Act, 1947?

4. Whether the Workman/Party I proves that the action of the Employer/Party II in refusing employment to her is illegal and unjustified?

5. Whether the Workman/Party I proves that she is entitled for any relief?

6. What award? What order?

4. My answers to the aforesaid issues are as under:

- Issue No. 1: In the affirmative.
- Issue No. 2: In the affirmative.
- Issue No. 3: In the negative.
- Issue No. 4: In the affirmative.
- Issue No. 5: In the affirmative.
- Issue No. 6: As per final order.

REASONS

5. *Issue No. 1:* It is the Party I who has raised an industrial dispute by contending that she was employed with the employer company as a 'Sweeper' in the year 2001 till the date of her termination on 01-06-2008 continuously without any break in service. Therefore, the burden to prove the said contention is on the Workman.

Ld. Rep., Shri P. Gaonkar, representing the Workman during the course of his oral arguments submitted that the Workman has examined herself in order to prove the aforesaid issue and also produced on record the copies of the returns filed by the employer company from March, 2000 to February, 2008 (Exb. W/6-Colly) in support of her oral evidence. He submitted that the oral as well as the documentary evidence on record clearly proves that the Workman was employed with the employer company as a 'Sweeper' since 2001 till the date of her termination on 01-06-2008 continuously without any break in service. He submitted that no appointment letter was issued to her.

I have carefully perused the entire records of the present case. I have also carefully considered the various oral submissions made by the Ld. Representative, Shri P. Gaonkar.

6. Admittedly, the Workman in her oral evidence on record clearly stated that she was working

as a 'Sweeper' in the House-keeping Department of the employer company since the year 2001 continuously without any break in service till the refusal of employment to her on 01-06-2008. The Workman in her oral evidence also stated that she has worked for more than 240 days in a calendar 12 months preceding the date of her refusal of employment w.e.f. 01-06-2008. In support of her oral evidence the Workman has produced on record copies of the returns filed by the employer company from March, 2000 to February, 2008 (Exb. W/6-Colly). The said copies of the returns filed by the employer from March, 2001 to February, 2008 in the prescribed form No. 6-A of the Employees Provident Fund Scheme, 1952 clearly indicates that the employer had filed the same annually and also indicates the name of the Workman and the amount of Provident Fund paid in respect of the Workman and other employees. The said oral as well as documentary evidence produced by the Workman on record has not been denied by the employer by remaining absent and thus, remained unchallenged. The aforesaid documentary evidence on record clearly corroborates with the oral evidence of the Workman that she was employed with the employer company since the year 2001 till 31-05-2008 continuously without any break in service.

It is therefore held that the Workman was employed with the employer company as a 'Sweeper' since the year 2001 till 31-05-2008 continuously without any break in service.

7. *Issue No. 2:* It is the workman who has raised the present industrial dispute by contending that the employer company had refused an employment to her w.e.f. 31-05-2008. Therefore, the burden of proving the aforesaid contention is on the workman.

8. The Workman has examined herself in order to prove her aforesaid contention that she has been refused employment by the employer company w.e.f. 01-06-2008. In her oral evidence on record she deposed that due to sudden heart attack of her husband she was forced to remain at home for two months i.e. April, 2008 and May, 2008 after informing the Party II and when she went to resume her duty on 01-06-2008, she was not allowed to join the duty. The aforesaid oral evidence adduced by the Workman remained unchallenged for want of denial. It is therefore held that the employer company has refused employment to the Workman w.e.f. 01-06-2008.

9. *Issue No. 3:* It is the Workman who has raised the present industrial dispute pertaining to her alleged illegal termination of services by contending that it is in violation of Sec. 33 of the I. D. Act, 1947. Therefore, the burden to prove the said contention is on the Workman.

Sec. 33 (1) of the I. D. Act, 1947 prohibits the employer to alter to the prejudice of the Workmen concerned in such dispute the service conditions etc. during the pendency of the proceedings before the Conciliation Officer or a board or of any proceedings before a Labour Court or Tribunal or National Tribunal in respect of an industrial dispute.

10. Though the Workman in her claim statement alleged that as the matter of Charter of Demands is pending before the appropriate authority and therefore any termination without approval of the Hon'ble Tribunal is illegal, unjustified and bad in law, the Workman has failed to produce on record any material evidence either oral or documentary to substantiate her aforesaid statement. It is therefore held that the Workman has failed to prove that the employer company has violated Sec. 33 of the I. D. Act, 1947.

11. *Issue No. 4:* It is the Workman who has raised an industrial dispute by contending that the action of the employer company in refusing employment to her w.e.f. 01-06-08 is in violation of Sec. 25-F, 25-G & 25-H of the I. D. Act, 1947 and hence it is illegal and unjustified. It is therefore incumbent upon the Workman to prove that the action of the employer in terminating her services w.e.f. 01-06-08 is illegal and unjustified.

12. In order to prove her case, the Workman has led oral evidence by examining herself. In her oral evidence on record, she categorically stated that the employer company has not issued any charge sheet nor any inquiry was conducted before refusal of employment to her. She stated that the employer company has employed new Workman in her place after refusal of employment to her and hence violated Sec. 25-H of the I. D. Act, 1947. She stated that the employer company has also not followed the procedure in accordance with Sec. 25-G of the I. D. Act, 1947. She stated that at the time of refusal of her employment neither she was offered nor paid any retrenchment compensation, notice pay and other dues and hence violated Sec. 25-F of the I. D. Act, 1947. She finally deposed that the employer company has violated the basic principles of natural justice while terminating her services. The aforesaid oral evidence of the Workman remained

unchallenged since the employer company failed to cross examine the Workman by remaining absent.

13. While discussing the issue No. 1 hereinabove, I have already held that the Workman was employed with the employer company as a 'Sweeper' since the year 2001 till 31-05-2008 continuously without any break in service. Similarly, while discussing the issue No. 2 hereinabove, I have already held that the employer company refused employment to the Workman w.e.f. 31-05-2008. The said refusal of employment to the Workman amounts to the termination of her services w.e.f. 01-06-2008.

14. Sec. 25-F of the I. D. Act, 1947 reads as under:

"No Workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by the employer until—

- (a) The Workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the Workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) The Workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days of average pay (for every completed period of service) or any part thereof in excess of six months; and
- (c) Notice in the prescribed manner is served on the appropriate Government [or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]"

15. In the instant case, the Workman was employed with the employer company since the year 2001 till 31-05-2008 as a 'Sweeper' continuously without break in service. The oral evidence of the Workman on record indicates that neither one month notice in writing indicating the reasons for retrenchment and the period of notice has expired or that the Workman has been paid in lieu of such notice, wages for the period of the notice. The oral evidence of the Workman on record also indicates that the employer company has failed to pay the Workman at the time of refusal of her employment, retrenchment compensation equivalent to fifteen days average pay of every completed years of continuous service or any part thereof in excess of six months. The evidence on record indicates that no notice in the prescribed

manner is served on the appropriate Government. Thus, the evidence on record proves that the employer company has violated Sec. 25-F of the I. D. Act, 1947.

16. Similarly, Sec. 25-G of the I. D. Act, 1947 laid down as under:

"Where any Workmen in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of Workmen in that establishment, in the absence of any agreement between the employer and the Workman in this behalf the employer shall ordinarily retrench the Workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other Workman."

17. The Ld., Shri P. Gaonkar representing the Workman during the course of his oral argument relied upon a decision of the Hon'ble Supreme Court of India in the case of *Harjinder Singh v/s Punjab State Warehousing Corporation reported in (2010) 3 SCC 192*, wherein it has been held that—

"It is settled law that for attracting the applicability of Section 25-G of the Act, the Workman is not required to prove that he had worked for a period of 240 days during twelve calendar months preceding the termination of his service and it is sufficient for him to plead and prove that while effecting retrenchment, the employer violated the rule of "last come first go" without any tangible reason."

18. In the instant case, the evidence on record clearly indicates that the Workman was in continuous service with the employer company since the year 2001 till 31-05-2008 as a 'Sweeper'. The employer company however failed to produce on record the Seniority List as required under Rule 77 of the I. D. (Central) Rules, 1957 or any other agreement entered between them and the Workman. In the absence of the aforesaid evidence on record, it is proved that the employer company has failed to maintain the seniority list if any of the Workmen employed in the category of 'Sweeper' and retrenched employee who was the last person employed in the said category of 'Sweeper'. Thus, the aforesaid action on the part of the employer company is in violation of Sec. 25-G as well as Sec. 25-H of the I. D. Act, 1947. It is therefore held that the action of the employer company in refusing the employment to the Workman w.e.f. 01-06-2008 is illegal and unjustified.

19. *Issue No. 5:* While discussing the issue No. 1 hereinabove, I have already held that the Workman was employed as a 'Sweeper' with the employer company since the year 2001 till 31-05-08 continuously without any break in service. Similarly, while discussing the issue No. 4, hereinabove I have held that the action of the employer company in refusing employment to the Workman w.e.f. 31-05-2008 is illegal and unjustified as it is in violation of the well established norms of principles of natural justice as well as Sec. 25-F, 25-G 25-H of the I. D. Act, 1947 read with Rules 77 and 78 of the I. D. (Central) Rules, 1954. The evidence on record indicates that the Workman is unemployed since after the refusal of employment by the employer company. The Workman is therefore entitled to reinstatement with full back wages and continuity in services.

In view of the above discussions and with regards to the facts and circumstances of the case, I proceed ahead to adjudicate the reference as under:

ORDER

1. It is hereby held that the action of the Management of M/s. Pack-A-Well, Kundaim-Goa, in refusing employment to its Workperson, Smt. Jyoti Naik, Sweeper w.e.f. 01-06-08 is illegal & unjustified.
2. The Employer, M/s. Pack-A-Well is hereby directed to reinstate the Workperson, Smt. Jyoti Naik, Sweeper, in their services with full back wages and continuity in services with immediate effects.
3. No order as to costs.
4. Inform the Government accordingly.

Sd/-

Suresh N. Narulkar,
Presiding Officer,
Labour Court-II.

Notification

No. 28/1/2010-LAB

The following award passed by the Industrial Tribunal-cum-Labour Court-I at Panaji-Goa on 01-09-2010 in reference No. IT/68/04 is hereby published as required by Section 17 of the

Industrial Disputes Act, 1947 (Central Act 14 of 1947).

By order and in the name of the Governor of Goa.

B. S. Kudalkar, Under Secretary (Labour).

Porvorim, 22nd September, 2010.

IN THE INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I AT PANAJI

(Before Shri B. P. Deshpande, Presiding Officer)

Ref. No. IT/68/04

Shri Balaram T. Patil,
Igorje Vaddo,
Cavelossim-Goa.

... Workman/Party I

V/s

M/s. Royal Goan Beach Resort P. Ltd.,
Haathi Mahal, Mobor,
Cavelossim-Goa.

... Employer/Party II

Party I/Workman are represented by Shri B. B. Naik.

Party II/Employer is represented by Adv., M. S. Bandodkar.

AWARD

(Passed on this 1st day of September, 2010)

Vide order dated 6-12-04 Government of Goa referred the dispute to this Tribunal under Section 10(1)(d) of the Industrial Dispute Act and recital in the order regarding the order is as under:

"(1) Whether the action of the management of M/s. Royal Goan Beach Resorts Private Limited, Haathi Mahal, Cavelossim, in terminating the services of Shri Balaram T. Patil, Pool Attendant, with effect from 16-11-2003, is legal and justified?

(2) If not, to what relief the Workman is entitled?"

2. Notices were issued to both parties and Party I appeared and thereafter filed the statement of claim vide Exb. 5. The Party I/Workman disclosed that the action of the employer/Party II in terminating his services w.e.f. 2-6-2003 is illegal and amount to unfair labour practice. It is specific case that he was employed with Party II from the commencement of the operation of the said Party II i.e. at the end of the year 1999 and since then he worked continuously as Pool Attendant on a regular basis till he was illegally terminated on 2-6-2003. The work carried out by Party I was of

permanent nature and he was required to work in shifts. The remuneration package was revised from time to time together with his performance. He then claimed that in order to deprive permanency and other facilities of a permanent Workmen, the Party II was engaged in unfair labour practice thereby giving artificial breaks and forcing them to sign so called contractual appointment by giving them oral assurance that their services will be made permanent. The Party I also claimed that there are no standing orders certified for Party II and therefore the Workmen are governed by Industrial Employment (standing orders) Act, 1946 under rules thereunder and hence its termination is null and void as the same is in violation of Section 25F of the Industrial Dispute Act. He claimed that the Party II has tried to take benefits of the so called contractual agreement and thereby raising aspects that there is no retrenchment, on completion of the contractual period. However, the Party I worked continuously for more than 240 days, for the preceding 12 months of his termination and thus it is in violation of the provisions of the provisions of Section 25F of the Industrial Dispute Act. Even otherwise, no enquiry was conducted nor any retrenchment compensation was given to Party I.

3. The written statement filed by Party II at Exb. 6 denied all the aspects claimed by Party II and more specifically the employment on regular basis. It is their contention that from time to time the Party I was engaged on contractual agreement for specific period and such agreement clearly disclosed the period on which such contract comes to an end. Such contract comes to an end in the year 2003 and therefore the said contract strictly covered under provisions of Section 2(oo)(bb) of the Industrial Dispute Act and provisions of Section 25F of the said Act are not attracted. Further, it has been claimed that though the Party I was not entitled for any retrenchment compensation, the Party II did pay such compensation however, the same was not accepted initially by Party I and hence such compensation was sent by registered post A.D. to the Party I. It is also claimed that the proposed dispute is not raised by the union or a group of employees and hence it is not a dispute covered under Section 2(k) or Section 2(A) of the Industrial Dispute Act.

4. The rejoinder is filed by Party I at Exb. 8 denying the contentions raised in the written statement by Party II and conferring the stand taken by Party I in the statement of claim.

5. Issues were framed vide Exb. 9 and thereafter the matter was fixed for evidence of the parties. Further both the parties submitted, the application containing that the agreement at Exb. 12 arrived at between the parties with regard to the present dispute. The Party I and Party II have amicably settled the said dispute whereby the Party II agreed to pay a total sum of Rs. 23,828/- in two installments towards full and final settlement of all the claims including the present reference which has been accepted by the Party I. I find that the settlement between the parties is genuine and the same has been accepted by the Party I voluntarily and therefore the said settlement at Exb. 12 stand accepted. In view of this no dispute exists between the parties and hence the

ORDER

In view of the settlement between the parties, no dispute exists.

Inform the Government accordingly.

Sd/-
(B. P. Deshpande),
Presiding Officer,
Industrial Tribunal-
-cum-Labour Court-I.

State Directorate of Craftsmen Training

Order

No. 2/22/2010/EST/SDCT/(5)/6745

Read: 1. Order No. 2/22/2006/EST/SDCT(5)/4231 dated 19-6-2008.

2. Order No. 2/22/2006/EST/SDCT(5) dated 11-2-2009.

3. Order No. 2/22/2006/EST/SDCT(5)/4099 dated 20-7-2009.

4. Order No. 2/22/2006/EST/SDCT(5)/2598 dated 16-4-2010.

The ad hoc promotion of Shri Vinayak M. Kambli, to the post of Asstt. Director (Trg.) (Group A) Gazetted is hereby extended for further period of 1 year from 19-6-2010 to 18-6-2011 with the same terms and conditions stipulated in the above cited orders.

This is issued with the concurrence of the Goa Public Service Commission vide it's communi-

cation No. COM/III/11/60(1)/03-09/1536 dated 8-9-2010.

By order and in the name of the Governor of Goa.

Aleixo F. da Costa, State Director of Craftsmen Training & ex officio Joint Secretary.

Panaji, 27th September, 2010.

Order

No. 2/22/2010/EST/SDCT/(5)/6747

- Read: 1. Order No. 2/22/2006/EST/SDCT/8755 dated 3-11-2006.
 2. Order No. 2/22/2006/EST/SDCT/3608 dated 3-8-2007.
 3. Order No. 2/22/2006/EST/SDCT/3092 dated 16-4-2008.
 4. Order No. 2/22/2006/EST/SDCT/6079 dated 2-9-2008.
 5. Order No. 2/22/2006/EST/SDCT/1056 dated 26-2-2009.
 6. Order No. 2/22/2006/EST/SDCT/(5)/4098 dated 20-7-2009.
 7. Order No. 2/22/2006/EST/SDCT(5)/2600 dated 16-4-2010.

The ad hoc promotion of Shri Sakharam S. Gaonkar, to the post of Principal (Sr. Scale) (Group A) Gazetted is hereby extended for further period of 1 year from 3-5-2010 to 2-5-2011 with the same terms and conditions stipulated in the above cited orders.

This is issued with the concurrence of the Goa Public Service Commission vide it's communication No. COM/III/11/60(1)/03-09/1536 dated 8-9-2010.

By order and in the name of the Governor of Goa.

Aleixo F. da Costa, State Director of Craftsmen Training & ex officio Joint Secretary.

Panaji, 27th September, 2010.

Order

No. 2/123/2010/EST/SDCT/(24)-Part file/6778

- Read: 1. Order No. 2/123/2009/EST/SDCT(24)/Part/3385 dated 22-6-2009.
 2. Order No. 2/123/2007/EST/SDCT(24)-Part file/3097 dated 4-5-2010.

The ad hoc promotion of Shri Edwin L. Fernandes, to the post of Principal, Jr. Scale (Group B) Gazetted is hereby extended for further period of 1 year from 24-6-2010 to 23-6-2011 with the same terms and conditions stipulated in the above cited orders.

This is issued with the concurrence of the Goa Public Service Commission vide it's communication No. COM/III/11/60(1)/03-09/1538 dated 8-9-2010.

By order and in the name of the Governor of Goa.

Aleixo F. da Costa, State Director of Craftsmen Training & ex officio Joint Secretary.

Panaji, 29th September, 2010.

Order

No. 2/22/2010/EST/SDCT/(5)/6746

- Read: 1. Order No. 2/22/2006/EST/SDCT/8755 dated 3-11-2006.
 2. Order No. 2/22/2006/EST/SDCT/3608 dated 3-8-2007.
 3. Order No. 2/22/2006/EST/SDCT/3092 dated 16-4-2008.
 4. Order No. 2/22/2006/EST/SDCT/6079 dated 2-9-2008.
 5. Order No. 2/22/2006/EST/SDCT/1056 dated 26-2-2009.
 6. Order No. 2/22/2006/EST/SDCT/(5)/4100 dated 20-7-2009.
 7. Order No. 2/22/2006/EST/SDCT(5)/2597 dated 16-4-2010.

The ad hoc promotion of Shri Rajesh P. Lolayekar, to the post of (Assistant Director (Trg.) Group A) Gazetted is hereby extended for further period of 1 year from 3-5-2010 to 2-5-2011 with the same terms and conditions stipulated in the above cited orders.

This is issued with the concurrence of the Goa Public Service Commission vide it's communication No. COM/III/11/60(1)/03-09/1536 dated 8-9-2010.

By order and in the name of the Governor of Goa.

Aleixo F. da Costa, State Director of Craftsmen Training & ex officio Joint Secretary.

Panaji, 27th September, 2010.

Department of Law and Judiciary

Law (Establishment) Division

**Notification by the High Court of
Judicature Appellate Side, Bombay**

No. A. 3902/G/2010

The Hon'ble the High Court is pleased to post on promotion Shri Cholu M. Gauns from the cadre of Civil Judge, Junior Division and JMFC to the cadre of Senior Civil Judge, purely on ad hoc and temporary basis as Civil Judge, Senior Division and Judicial Magistrate, First Class, Mapusa, District Panaji vice Shri Vincent M. D'Silva, Promoted.

High Court, Bombay

M. N. Gilani

Dated 23rd September, 2010. Registrar General

No. A. 1205/G/2010

The Hon'ble the High Court is pleased to post on promotion the following Judicial Officers as ad hoc District Judges and Assistant Sessions Judges initially for a period of two years or till the Scheme of Fast Track Courts last whichever occurs earlier with effect from the date they take the charge of their post on purely on ad hoc and temporary basis:

Sr. No.	Name & present posting	New posting
1.	Shri Vincent M. D'Silva, Civil Judge, Senior Division & J.M.F.C., Mapusa, District Panaji	Ad hoc District Judge-2 & Assistant Sessions Judge, Panaji.
2.	Ms. V. M. Prabhu-Tendulkar, Civil Judge, Senior Division & J.M.F.C., Margao	Ad hoc District Judge-2 & Assistant Sessions Judge, Margao.

High Court, Bombay

M. N. Gilani

Dated 23rd September, 2010. Registrar General

Department of Personnel**Order**

No. 7/2/99-PER

Read: (1) Order No. 7/2/99-PER-Part-II(A)/pf dated 20-08-2010.

(2) Order No. 14020/6/2009-UTS.I dated 30-04-2010.

Consequent upon relieving Shri Raajiv

Yaduvanshi, IAS (AGMUT: 1989), Secretary to Chief Minister w.e.f. 01-10-2010 (b.n.) vide order dated 20-08-2010 read above, Shri T. M. Balakrishnan, IAS (AGMUT: 1996) shall take over the charge of Secretary to Chief Minister, Government of Goa w.e.f. 01-10-2010 (f.n.).

Shri Balakrishnan, IAS has reported this administration on 27-07-2010 (f.n.) in pursuance to Government of India, Ministry of Home Affairs, New Delhi vide order dated 30-04-2010 read at (2) above and was awaiting posting.

By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 23rd September, 2010.

Department of Public Health**Order**

No. 2/27/2003-II/PHD

Government is pleased to accept the resignation dated 13-07-2010 tendered by Dr. Piedade Clemente, Lecturer, Department of Surgery, Goa Medical College, Bambolim-Goa w.e.f. 13-08-2010 (a.n.) and stands relieved from the said post from the same date i.e. 13-08-2010 (a.n.).

By order and in the name of the Governor of Goa.

Derrick Pereira Neto, Under Secretary (Health).

Porvorim, 20th September, 2010.

Notification

No. 13/103/91-III/PHD

In pursuance to the provision of Section 49 of the Goa University Act, 1984, Government is pleased to constitute an Advisory Committee for the Institute of Psychiatry and Human Behaviour under the chairmanship of the Secretary (Health) with the following members:

- Secretary (Health), Public Health Department ... Chairperson.
- Dr. S. D. Sharma, Emeritus Professor, National Academy of Medical Science, Chairman, Board of Trustee, World Association for Social Psychiatry, D-127, Preet Vihar, Delhi-110 092 ... Vice-Chairperson.
- Dean, Goa Medical College, ... Member.

- Bambolim
4. Dr. C. J. Vas, ... Member.
Consultant Neurologist,
Goa Medical College,
Bambolim
5. Dr. Pawar Alka Vasant, ... Member.
Associate Professor,
Department of Psychiatry,
B. J. Medical College,
Pune 411001,
Pune, Maharashtra
6. Dr. Ganesha Somayaji, Reader... Member.
and Head, Department of
Sociology, Goa University,
Goa 403206
7. Principal, Nursing School, ... Member.
Opposite Military Camp,
Bambolim-Goa
8. Dr. H. A. Borkar, Professor ... Member.
of the Institution of
Psychiatry and Human
Behaviour, Bambolim
9. Director/Dean of the Institute ... Member
of Psychiatry and Human Secretary.
Behaviour, Bambolim

The tenure of the Committee will be for a period of three years.

Dr. S. D. Sharma and Dr. Pawar Alka Vasant shall be paid TA/DA as per rules in force for Group 'A' Officer to attend the Advisory Committee meeting.

By order and in the name of the Governor of Goa.

Derrick Pereira Neto, Under Secretary (Health).
Porvorim, 15th September, 2010.

Goa Medical Council

Ref. No.: GMC/Election/2010/831

FORM 1
(See Rule 4)

NOTICE OF PUBLICATION OF ELECTORAL ROLLS

1. Notice is hereby given that the electoral roll for election of members of the Goa Medical Council has been prepared in accordance with the Goa Medical Council Rules, 1995 and copies of the roll will be available for inspection and/or sale at the office of the Council at the address of the Council.
2. (a) Every claim for inclusion of a name in the

roll; or

(b) Every objection to—

- i) the inclusion of any other person's name in the roll; or
- ii) to any particulars in any entry in the roll;

shall be addressed to the Registrar and shall be presented or sent by post to him at the address referred to above so as to reach him on or before the 25th day of October, 2010.

Sd/- Registrar, Goa Medical Council.

Bambolim, 30th September, 2010.

FORM 2
(See Rule 7)

NOTICE OF ELECTION

Election to the Goa Medical Council, Bambolim

Notice is hereby given pursuant to the provisions of the Goa Medical Council Rules, 1995 that

- 1) an election is to be held of 5 members of the Goa Medical Council elected by the registered practitioners from amongst themselves;
- 2) nomination of registered practitioners eligible to fill the seats are invited;
- 3) forms of nomination paper may be obtained from the Registrar on application;
- 4) nomination papers may be sent so as to reach the undersigned at or before 15.00 (hours) on the 12-11-2010 at Goa Medical Council Office, Bambolim, Goa.
- 5) nomination papers will be taken up for scrutiny at 10.00 (hours) on the 18-11-2010 at Goa Medical Council Office, Faculty Block, 2nd floor, Bambolim, Goa.
- 5-A) candidature may be withdrawn by a notice in writing signed by the candidate and delivered to the Returning Officer so as to reach him at or before 15.00 (hours) on 22-11-2010 at Bambolim, Goa.
- 6) in the event of the election being contested.
 - a) the voting papers may be sent by the electors so as to reach the Returning Officer at or before 17.00 (hours) on the 27-12-2010 at Bambolim, Goa.
 - b) the votes will be taken up for scrutiny

and counting at 10.00 (hours) on the 29-12-2010 at Goa Medical Council, Office, Faculty Block, 2nd floor, Bambolim, Goa.

Sd/- Returning Officer.

Bambolim, 30th September, 2010.

Department of Revenue

Order

No. 23/27/2008-RD

Whereas, the Government of Goa, vide Notification No. 23/27/2008-RD dated 12-01-2009, issued under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (Act 1 of 1894) (hereinafter referred to as the "said Act"), and published in the Official Gazette, Series II No. 44, dated 29-01-2009, notified that the land specified in the Schedule thereof (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. Land Acquisition for 4 laning of road from Tolleband Junction to Arlem Junction in Fatorda Constituency (hereinafter referred to as the "said public purpose");

And whereas, the Government of Goa considered the report made by the Collector under sub-section (2) of Section 5A of the said Act on being satisfied that the said land is needed for the said public purpose, vide Notification No. 23/27/2008-RD dated 12-07-2010, issued under Section 6 of the said Act, and published in the Official Gazette, Series II No. 17, dated 22-07-2010, declared that the said land is required for the said public purpose.

Now, therefore, in exercise of the powers conferred by Section 7 of the Land Acquisition Act, 1894 (Act 1 of 1894), the Government of Goa hereby directs the Collector, South Goa District, Margao-Goa to take the order for acquisition of the said land.

By order and in the name of the Governor of Goa.

Pandharinath N. Naik, Under Secretary (Rev-I).

Porvorim, 20th September, 2010.

Department of Transport

Directorate of Transport

Addendum

No. 4/12/86/HD(G)10/3089

Read: Order No. 4/12/86/HD(G)10/2794 dated 31-8-2010.

In partial modification of above order the names of the following Directors may be added alongwith their designation.

1. Shri Pandurang alias Deepak ... Director.
Dhavalikar
2. Shri Arun L. Desai, D. T. ... Director.
3. Shri J. J. S. Rego, ... Director.
Principal Chief Engineer, (PWD)
4. Shri Anupam Kishor, ... Director.
Joint Secretary, (DMU)
5. Shri Venancio Furtado, ... Director.
M. D., KTCL

By order and in the name of the Governor of Goa.

Arun L. Desai, Director of Transport & ex officio Joint Secretary (Tpt.).

Panaji, 27th September, 2010.

Department of Urban Development

Directorate of Municipal Administration

Order

No. 10/206/2005/DMA/2722

Whereas the Director of Municipal Administration/Urban Development is required to specify under sub-section (1) of Section 10 read with Section 9 (2)(c) of the Goa Municipalities Act, 1968, the seat reserved for the Office of Chairperson for Women in the Municipal Councils on rotation basis.

And whereas in the year 1995 vide Order No. 10/9/94-DMA/Vol. XII/600 dated 26-5-1995 the seat reserved for the Office of Chairperson for Women were Bicholim, Curchorem-Cacora, Mormugao and Ponda Municipal Councils.

And whereas in the year 2000 vide Order No. 10/306/2000-DMA/1091 dated 18-9-2000 the seat reserved for the Office of Chairperson for Women were Margao, Canacona, Cuncolim and Pernem Municipal Councils.

And whereas in the year 2005 vide Order No. 10/9/94-DMA/Vol. XII/2595 dated 7-10-2005 the seat reserved for the Office of Chairperson for Women were Mapusa, Quepem, Sanguem and Valpoi Municipal Councils.

Therefore, I, Daulat Hawaldar, Director of Municipal Administration/Urban Development in

exercise of the powers vested in me under sub-section (1) of Section 10 read with Section 9(2)(C) of the Goa Municipalities Act, 1968, hereby specify the seat as reserved for the Officer of Chairperson for Women in the following Municipal Councils on rotation basis:

1. Bicholim Municipal Council.
2. Curchorem-Cacora Municipal Council.
3. Mormugao Municipal Council.

Daulat Hawaldar, Director of Urban Development/Municipal Administration.

Panaji, 6th October, 2010.

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